

Memorandum



Date: December 12, 2005

To: Honorable Chairman Joe A. Martinez and Members
Board of County Commissioners

Special Item No. 1

From: George M. Burgess
County Manager

Subject: Ordinance Providing Disposition of October 2004 Cycle Applications to Amend the Comprehensive Development Master Plan

RECOMMENDATION

It is recommended that the Board approve the attached ordinance, which provides options to adopt, adopt with change, or not adopt pending October 2004 Cycle Applications to Amend the Comprehensive Development Master Plan (CDMP). It is recommended that first reading occur at the conclusion of the public hearing scheduled for May 23, 2005, to address transmittal of the referenced applications to the Florida Department of Community Affairs (DCA) for review and issuance of appropriate Objections, Recommendations and Comments (ORC) report. It is further recommended that final action be taken on the ordinance at the conclusion of the public hearing, which is currently scheduled for December 2005.

BACKGROUND

The attached ordinance reflects that this Board has requested review and issuance of an ORC report by DCA on all transmitted applications. It is estimated that DCA ORC report on the applications will be returned to the County in late August 2005. The County is required to take final action on the transmitted applications within 120 days after receipt of DCA ORC report. The Department of Planning and Zoning may issue revised recommendations, and the Planning Advisory Board (Local Planning Agency) may conduct a second public hearing and may also issue revised recommendations between the time DCA issues its ORC report and the Commission conducts its final hearing. By approving this ordinance on first reading, the Board is in a position to conduct a public hearing and take final action on the applications after receipt of DCA's ORC report.

ORDINANCE FORMAT

This ordinance follows the same general format used in previous years. That is, it contains blank space for recording your final action on each application. After the Board takes preliminary action on each application, the Board will take final action adopting the Ordinance in its entirety, incorporating the foregoing preliminary action. Section 2-116.1 of the County Code requires a minimum of seven affirmative votes to amend the CDMP.

As in the past, a complete set of reports and final recommendations pertaining to the subject CDMP amendment applications will be provided in advance of second reading. The schedule of final activities for the October 2004 amendment cycle anticipates that the Planning Advisory Board acting as the Local Planning Agency will conduct its final hearing on the amendments in November 2005, and the Board will conduct a single hearing and take final action at a conclusion of a public hearing to be scheduled in December 2005.

HOUSING IMPACT

Of the 27 proposed applications to amend the Land Use Plan (LUP) Map in unincorporated areas of Miami-Dade County, excluding ten withdrawn parcel applications, six parcel applications will impact housing by decreasing the potential supply. Parcel Application No. 64 will decrease supply by 122 dwelling units (units); Parcel Application No. 76 will decrease supply by 25 units; Parcel Application No. 82 will decrease supply by 200 units; Parcel Application No. 87 will decrease supply by 38 units; Parcel Application No. 106 will decrease supply by 25 units; and Parcel Application No. 113 will decrease supply by 114 units. The potential impacts that could result from the municipal parcels have already been accounted for in their respective plans. The total (net) decrease will be 759 units countywide. Based on the fact that the yearly estimate by the DP&Z of the housing need is 11,750 units, the cumulative deletion of 759 units from the proposed amendments will neither add nor decrease significant time to the supply of housing.

FISCAL IMPACT

The Department of Planning and Zoning has submitted, as part of the application for the Land Use Element, 114 parcels to be redesignated on the adopted Land Use Plan (LUP) map to implement findings and recommendations contained in the adopted 2003 Evaluation and Appraisal Report (EAR). No private applications to redesignate lands on the LUP map are being considered at this time. These EAR-based land use changes as proposed by the Department of Planning and Zoning are categorized into five general types of redesignations, including those that: reflect the current land use designations on adopted comprehensive municipal plans; depict lands acquired for environmental purposes as "Environmentally Protected Parks" or "Environmental Protection"; show large parcels (40 acres or more) acquired for park purposes as "Parks and Recreation"; show large properties acquired and/or developed since 1995 for institutional purposes as "Institutional and Public Facility"; and, depict "Transportation" uses and "Terminals".

As discussed below, these types of redesignations on the CDMP Land Use Plan map by their very nature do not ordinarily generate any additional fiscal impacts to urban services provided by County departments and agencies.

1. The redesignations to address municipal plan changes are already permitted to occur in municipal areas, thus, no additional fiscal impacts are being generated.
2. The changes to the LUP map reflecting land acquisitions for environmental purposes will not generate a demand for urban services.
3. The redesignations of land from an urban category to "Parks and Recreation" will result in a lower overall fiscal impact to urban services.
4. The changes to the LUP map reflecting existing institutional uses will not generate any additional fiscal impacts. Land use redesignations to address future institutional uses generally involve land already purchased by a governmental agency for a specific purpose such as water supply wellfield or a wastewater facility.
5. Land use redesignations to depict transportation uses and terminals also involve land already acquired by governmental agencies and generally will not generate any additional fiscal impacts.

One proposed change, Parcel No. 50 (Miami Intermodal Center), could have fiscal impacts. The proposed change to "Transportation Terminals" is estimated to have lower water and sewer costs than the existing designations of "Industrial and Office" and "Business and Office". This area is currently served by water and sewer infrastructure and water usage is estimated to decline based on the type of use. Additionally, since there is no residential development involved, this suggested redesignation would not fiscally impact such services as parks and schools.

The Miami Intermodal Center (MIC) will impact transportation services fiscally. A Major Investment Study/Draft Environmental Impact Statement in 1995 and Final Environmental Impact Statement (FEIS) in 1997 were prepared for the MIC. As part of these studies, the financial feasibility of building the MIC was considered. The Build Alternative was determined to be financially viable since the income stream generated from long-term leases of development rights, rental income from MIC tenants, roadway and access tolls, parking fees and common area charges, will reimburse initial capital costs and pay debt service. Operation and maintenance of the non-highway portion of the MIC will be provided privately, primarily through parking revenues, common area charges and direct billing for services provided for occupied spaces. The SR 836/SR 112 Interconnector will be maintained using Dade County Expressway Authority revenues.

ECONOMIC ANALYSIS

1. Economic impact of the ordinance on the County's budget:

There will be very limited impact on the County's budget in terms of Department of Planning and Zoning budgeting, staffing or operating expenses. This ordinance, however, does amend the Comprehensive Development Master Plan (CDMP), which is the County's official guide for managing countywide growth and development. In this regard, the ordinance may indirectly impact the County's budget through amendments that affect the County's land use patterns and its provision of services and facilities. Capital and operating unit costs for public facilities and services can be lessened through promotion of efficient land use patterns. Higher density contiguous development is relatively more efficiently served than low-density or scattered development. In general, the CDMP is aimed at achieving this result.

2. Economic impact of the ordinance on the private sector:

Approval of the ordinance will have an insignificant impact on the private sector. Certain applications to amend the Land Use Element could increase the value of affected land parcels. In a countywide sense, however, the economic outlook will remain essentially unchanged by enactment of this ordinance.

3. Effect of the ordinance on public or private employment:

Adoption of this ordinance will have no significant impact on projected employment for the County as a whole, or in any statistical subdivision.

4. Costs and benefits, both direct and indirect, of establishing and maintaining the program set forth in the ordinance:

See response to item 1, above.

5. Whether the ordinance is necessary to enable the County to obtain State or federal grants or other financing:

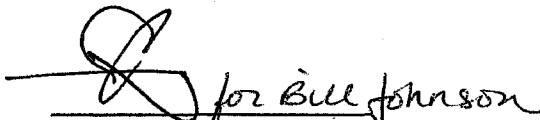
No.

6. Whether another ordinance which is already in existence should be repealed or amended:

No.

7. Whether the creation of a new ordinance is the best method of achieving the benefit derived:

Section 2.116.1, Code of Miami-Dade County, and Section 163.3184(15), Florida Statutes, provide that the CDMP may be amended only by ordinance.


Assistant County Manager




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 23, 2005

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Special Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Special Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATIONS FILED IN
OCTOBER 2004 CYCLE TO AMEND, MODIFY, ADD TO OR
CHANGE COMPREHENSIVE DEVELOPMENT MASTER
PLAN; PROVIDING SEVERABILITY, EXCLUSION FROM
THE CODE AND AN EFFECTIVE DATE

WHEREAS, the Miami-Dade County Board of County Commissioners (Board) has provided a procedure (codified as Section 2-116.1 of the Code of Miami-Dade County, Florida) to amend, modify, add to or change the Miami-Dade County Comprehensive Development Master Plan (CDMP); and

WHEREAS, Miami-Dade County's procedures reflect and comply with the procedures for adopting or amending local comprehensive plans as set forth in Section 163, Part II, Florida Statutes; and

WHEREAS, no private CDMP amendment applications were filed by private parties in the October 2004 amendment applications cycle to amend the CDMP; and

WHEREAS, eleven CDMP amendment applications were filed by the Department of Planning and Zoning (Staff Application Nos. 1 through 11 serially numbered after the CDMP Elements) to substantially amend and update all eleven elements of the CDMP principally to implement the recommendations contained in the 2003 Evaluation and Appraisal Report (EAR), which was adopted on October 28, 2003 with changes by Resolution of the Board of County Commissioners, and are contained in the documents titled (1) "Staff Applications October 2004 Cycle Applications To Amend the Comprehensive Development Master Plan" dated March 8, 2005 with two supplemental "Errata" dated March 30, 2005 and April 20, 2005, and (2) "Initial Recommendations, October 2004 Applications to Amend the Comprehensive Development Master Plan" dated March 30, 2005, with one supplemental "Modifications" dated April 20, 2005; and

WHEREAS, the Department of Planning and Zoning has published its initial recommendations addressing Staff Applications 1 through 11 on pages 1-1 through 1-143 in the report titled "Initial Recommendations, October 2004 Applications to Amend the Comprehensive Development Master Plan" dated March 30, 2005; and

WHEREAS, the Department of Planning and Zoning has withdrawn Parcels Nos. 30, 31, 77, 83, 84, 85, 86, 105, 109 and 114 from Staff Application No.1. (Land Use Element) Part A; and

WHEREAS, on May 23, 2005, this Board, by Resolution, instructed the County Manager to transmit certain applications to the Florida Department of Community Affairs (DCA) pursuant to Section 163.3184(3), F.S.; and

WHEREAS, the Florida Department of Community Affairs (DCA) reviewed certain applications at the request of this Board and has transmitted written comments pursuant to Sections 163.3184 (6)(c) and 163.3191, F.S.; and

WHEREAS, the Board of County Commissioners must take final action to Adopt, Adopt With Change or Not Adopt amendment applications not later than sixty (120) days after receipt of the Objections, Recommendations and Comments (ORC) report from DCA regarding the proposed application(s); and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such preexisting zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearings required by the referenced procedures preparatory to enactment of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. All matters set forth in the preamble are found to be true and are hereby incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending amendment applications filed for review during the October 2004 cycle for amendments, modifications, additions, or changes to the Miami-Dade County Comprehensive Development Master Plan as follows:

Application Number	Applicant/Representative Miami-Dade County Department of Planning and Zoning/ Diane O'Quinn Williams, Director REQUESTED CHANGE TO THE CDMP ELEMENTS:	Final Commission Action
1 Part A, Parcels 1 through 114*	Revise the Land Use Element: Revise the 2005-2015 Land Use Plan Map and Map Series E.g., Parcel 1: Aventura: North and South sides of NE 213 Street East of NE 30 Court (23 acres) FROM: MEDIUM DENSITY RESIDENTIAL (13-25 DU/AC.) TO: BUSINESS AND OFFICE	
Part B	Revise the Goal, Objectives, Policies, Interpretation Text & Monitoring Program	
Part C	Revise the Statement of Legislative Intent	
Part D	Revise the Preface and Introduction	
2	Revise the Transportation Element	
Part A	Revise Introduction, Goal, Objectives, Policies & Monitoring Program	
Part B	Revise the Traffic Circulation Subelement: Revise the Introduction, Goal, Objectives, Policies & Monitoring Program	
Part C	Revise the Mass Transit Subelement: Revise Introduction, Goal, Objectives, Policies & Monitoring Program	
Part D	Revise the Aviation Subelement: Revise the Introduction, Goal, Objectives, Policies & Monitoring Program	
Part E	Revise the Port of Miami River Subelement: Revise the Introduction, Goal, Objectives, Policies & Monitoring Program	
Part F	Revise the Port of Miami Master Plan Subelement: Revise the Introduction, Goal, Objectives, Policies & Monitoring Program	
3	Revise the Housing Element Revise the Introduction, Goals, Objectives, Policies & Monitoring Program	
4	Revise the Conservation, Aquifer Recharge And Drainage Element Revise Introduction, Goal, Objectives, Policies & Monitoring Program	
5	Revise the Water Sewer, & Solid Waste Element	
Part A	Revise the Water and Sewer Subelement: Goal, Objectives, Policies & Monitoring Program	
Part B	Revise the Solid Waste Subelement: Goal, Objectives, Policies & Monitoring Program	
6.	Revise the Recreation And Open Space Element Revise the Introduction, Goal, Objectives, Policies & Monitoring Program	
7	Revise the Coastal Management Element Revise the Introduction, Goal, Objectives, Policies & Monitoring Program	
8.	Revise the Intergovernmental Coordination Element Revise the Introduction, Goal, Objectives, Policies & Monitoring Program	
9	Revise the Capital Improvements Element Revise the Introduction, Goal, Objectives, Policies & Monitoring Program	
10	Revise the Educational Element Revise the Introduction, Goal, Objectives, Policies & Monitoring Program	
11	Revise the Economic Element Revise the Introduction, Goals, Objectives, Policies & Monitoring Program	

* (except those parcels previously withdrawn by the Department: Parcels 30, 31, 77, 83, 84, 85, 86, 105, 109 and 114)

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If any application, or portion of an application is found to be not in compliance pursuant to Section 163.3184, F.S., the remainder of the application subject to such a finding, and the remaining applications adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, however, the effective date of any individual plan amendment included within the overall amendment shall be in accordance with the following language which is included at the request of the Florida Department of Community Affairs without any admission by Miami-Dade County of the authority of the Department of Community Affairs or any other governmental entity to request or require such language: "The effective date of any [individual] plan amendment approved by this ordinance [and included within the overall amendment] shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the [individual] amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on such [individual] amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this [individual] amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the Department of Community Affairs, Division of Community Planning, Plan Processing Team. The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed."

Section 6. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. RAG

Prepared by: JAC

Joni Armstrong-Coffey